

R E M A R K S

Careful review and examination of the subject application are noted and appreciated.

IN THE SPECIFICATION

Support for the amendments to the specification can be found in the drawings as originally filed, for example, in FIGS. 2-5, and in the specification as originally filed, for example, on page 3, lines 6-12, on page 7, lines 1-10, and on page 14, line 9 through page 15, line 5. As such, no new matter has been introduced.

IN THE DRAWINGS

FIGS. 2, 3 and 5 have been amended for consistency with the specification. Replacement drawings sheets for FIGS. 2, 3 and 5 are submitted herewith.

Specifically, the text in block 108 of FIG. 2 has been changed from "(IF NECESSARY: TRANSFORM &) QUANTIZATION" to "(IF NECESSARY: TRANSFORM & QUANTIZATION)". The text in block 110 of FIG. 2 has been changed from "(IF NECESSARY: INV-TRANSFORM &) INV-QUANTIZATION" to "(IF NECESSARY: INV-TRANSFORM & INV-QUANTIZATION)". The text in block 116 of FIG. 2 has been changed from "THIS BLOCK DOES NOTHING AS THE INPUT DATA IS ALREADY PCM" to "THIS BLOCK PASSES THE INPUT DATA WHEN ALREADY IN PCM". The lines

between blocks 104, 106 and 116 have been straightened and an extra arrowhead removed. Support for the changes to FIG. 2 can be found on page 8, lines 4-17. As such, no new matter has been introduced.

The text in block 136 in FIG. 3 has been changed from "PULSE CODE MODULATION (PCM) - THIS BLOCK DOES NOTHING AS THE BLOCK IS ALREADY PCM" to "PULSE CODE DEMODULATION (PCM) - THIS BLOCK PASSES THE DATA WHEN THE DATA IS TO REMAIN IN PCM". The text in block 140 in FIG. 3 has been changed from "(IF NECESSARY: INV-TRANSFORM &) QUANTIZATION" to "(IF NECESSARY: INV-TRANSFORM & QUANTIZATION)". The line between blocks 136 and 146 has been straightened and an extra arrowhead removed. Support for the changes to FIG. 3 can be found in the specification as originally filed on page 9, lines 11-17. As such, no new matter has been introduced.

In FIG. 5, the text in the block 202 has been amended to insert a space between the word DECODE and the word TERMINATE. Support for the amendment to FIG. 5 can be found in the specification as originally filed on page 13, lines 9-10. As such, no new matter has been introduced.

SUPPORT FOR CLAIM AMENDMENTS

Support for the amendments to the claims can be found in the drawings as originally filed, for example, in FIGS. 2-5, and in the specification as originally filed, for example, on page 7, line

11 through page 10, line 2, and on page 10, line 16 through page 11, line 10. As such, no new matter has been introduced.

CLAIM REJECTIONS UNDER 35 U.S.C. §102

The rejection of claims 1-20 under 35 U.S.C. §102(e) as being anticipated by Prakasam (U.S. Pub. No. 2004/0268329; hereinafter Prakasam '329) is respectfully traversed and should be withdrawn.

Prakasam '329 does not appear to be valid prior art. Specifically, Prakasam '329 is a Continuation-in-Part of U.S. Application No. 10/854,592, filed May 26, 2004 (see item 63 on page 1 of Prakasam '329; hereinafter Prakasam '592). In contrast to Prakasam '329 and Prakasam '592, the present application was filed July 22, 2003, before either Prakasam '329 or Prakasam '592 were filed. Furthermore, since Prakasam '329 is self described as a continuation-in-part of Prakasam '592, Prakasam '329 clearly contains material which was not in Prakasam '592 and, therefore, not entitled to a priority date earlier than the filing date of Prakasam '329. Therefore, Prakasam '329 does not appear to be proper prior art based on its filing date or its parents filing date.

Prakasam '329 also appears to claim priority to a provisional application (U.S. Serial No. 60/474,080) filed on May 28, 2003. However, the Office Action does not factually establish

that the material of Prakasam '329 relied upon for the rejection of the presently pending claims is properly supported in the provisional application in compliance with 35 U.S.C. §112, first paragraph (see MPEP §2136.03 (III)). For example, FIG. 6B of Prakasam '329 which is cited by the Office Action to support the rejection under 35 U.S.C. §102 does not appear to be one of the drawings of the provisional application. As such, the Office Action does not appear to meet the Office's burden to factually establish a *prima facie* case to support the rejection under 35 U.S.C. §102. As such, the rejection does not appear to be sustainable and should be withdrawn.

New claims 21-24 depend, directly or indirectly, from either claim 1, claim 9 or claim 14 which are believed to be allowable over the cited reference. As such, the presently claimed invention is fully patentable over the cited reference.

Accordingly, the present application is in condition for allowance. Early and favorable action by the Examiner is respectfully solicited.

The Examiner is respectfully invited to call the Applicants' representative between 9 a.m. and 5 p.m. ET at 586-498-0670 should it be deemed beneficial to further advance prosecution of the application.

If any additional fees are due, please charge Deposit
Account No. 12-2252.

Respectfully submitted,

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